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A MEMORIAL

REQUESTING THE CREATION OF THE INTERIM REGULATORY PROCESS AND ADMINISTRATIVE LAW COMMITTEE.

WHEREAS, in the last three years, the interim committees of the New Mexico legislature have received presentations by constituents on challenges in navigating regulatory procedures and inconsistencies in rulemaking and adjudicatory processes across and between various New Mexico agencies; and

WHEREAS, in 1969, New Mexico adopted the Administrative Procedures Act, which provides comprehensive uniform administrative procedures based on the 1961 model state act adopted by the national conference of commissioners on uniform state laws; and

WHEREAS, the legislature exempted most administrative actions from coverage under the Administrative Procedures Act; and

WHEREAS, the scope and complexity of administrative responsibility has substantially increased since 1969; and

WHEREAS, the national conference of commissioners on uniform state laws expects to release a new model administrative procedures act in 2008; and

WHEREAS, the legislature needs to consider the proposed model act and whether the act should apply to most, if not all, New Mexico agencies; and

1           WHEREAS, the legislature needs to consider whether  
2 broad-based reform will enhance consistency and  
3 predictability with respect to rulemaking and adjudicatory  
4 procedures; and

5           WHEREAS, the legislature needs to examine the challenges  
6 New Mexicans face when navigating administrative processes  
7 and identify legislative strategies for improving the  
8 essential rulemaking and adjudicatory functions of agencies  
9 in order to effectively carry out legislative mandates;

10          NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE  
11 STATE OF NEW MEXICO that the interim regulatory process and  
12 administrative law committee be created to study the concerns  
13 about the regulatory process, review the proposed model  
14 administrative procedures act, identify specific areas of  
15 reform, make findings and endorse any necessary legislation  
16 to improve administrative procedure on rulemaking and  
17 adjudication and ensure that agencies carry out the mandates  
18 of the legislature, the lawmaking branch of government; and

19          BE IT FURTHER RESOLVED that the interim regulatory  
20 process and administrative law committee consist of at least  
21 ten voting members appointed by the New Mexico legislative  
22 council; and

23          BE IT FURTHER RESOLVED that five members be from the  
24 house of representatives, with at least two from the minority  
25 party, and five members be from the senate, with at least two

1 from the minority party; and

2 BE IT FURTHER RESOLVED that the New Mexico legislative  
3 council designate the co-chairs; and

4 BE IT FURTHER RESOLVED that the co-chairs of the interim  
5 regulatory process and administrative law committee be one  
6 member of the house of representatives and one member of the  
7 senate from the membership as appointed by the New Mexico  
8 legislative council; and

9 BE IT FURTHER RESOLVED that the interim regulatory  
10 process and administrative law committee be staffed by the  
11 legislative council service and the director of the  
12 administrative law division of the New Mexico commission of  
13 public records; and

14 BE IT FURTHER RESOLVED that copies of this memorial be  
15 transmitted to the governor, the attorney general and the  
16 director of the administrative law division of the New Mexico  
17 commission of public records. \_\_\_\_\_

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